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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,011	01/28/2002	Michael Wayne Brown	AUS920010514US1	5546

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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,011

Applicant(s)

BROWN ET AL.

Examiner

Greg Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 3-6,9,13-16,19,22-24 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications of appeal brief received 06/14/2004.
2. The disposition of the claims is as follows: claims 1-27 are pending in the application.

Claims 1, 11 and 21 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 2, 7, 8, 11, 12, 17, 18, 21 and 25 are rejected under 35 U.S.C. 102(a) as being disclosed by Cahill, III, (US Patent Publication 2002/0196366 A1), hereafter Cahill.

A. Claim 1, "A method for displaying resource aids [identification icon] in a display area[in the lower right-hand corner of the television], said method comprising the steps of: displaying a user interface [web page or PC graphics display] comprising at least one displayable object [video image] within a display area [a graphics image may be superimposed on a video image such that both are visible simultaneously]; and responsive to an initiating event [while the program is being broadcast], placing a transparent resource aid [identification icon] within said display area in association with said at least one displayable object [video image], such that said at least one displayable object is not obscured by said transparent resource aid [alpha-blend an identification icon with a programming signal such that the icon is transparently visible in the

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lower right-hand corner of the television monitor]” is disclosed [as detailed – para. 0031, 0045 - 0047]

B. Per independent claims 11 and 21, these are directed to a system and program, respectively, for performing the method of independent claim 1, and therefore are rejected to independent claim 1.

C. Claim 2, “The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: responding to said initiating event, wherein said initiating event is at least one of a cursor placement, an occurrence of a user-defined event [while the program is being broadcast], and a user input [Set-top boxes typically enhance the incoming video signal 38 before presentation to the television monitor 20, such as by adding graphics images. Interactive features such as web page access simultaneous to video display may also be available in the set-top box. – para. 0031]” is disclosed supra for claim 1 and [as detailed].

D. Per dependent claim 12 this is directed to a system for performing the method of dependent claim 2, and therefore is rejected to dependent claim 2.

E. Claim 7, “The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: placing said transparent resource aid to maximize space remaining in said display area” is disclosed supra for claim 1. Wherein icon is placed in the lower right-hand corner of the television monitor and is transparently visible corresponds to “placing said transparent resource aid to maximize space remaining in said display area”.

F. Per dependent claims 17 and 25, these are directed to a system and program, respectively, for performing the method of dependent claim 7, and therefore are rejected to dependent claim 7.

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G. Claim 8, "The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: placing said transparent resource aid, wherein said transparent resource aid comprises at least one from among text, graphics [identification icon], video, and audio" is disclosed supra for claim 1 and [as detailed].

H. Per dependent claim 18, this is directed to a system for performing the method of dependent claim 8, and therefore is rejected to dependent claim 8.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over CaHill, as applied to claims 1, 11 and 21, respectively above, and further in view of Bagnas, (US Patent Number 5,805,163).

A. Claim 10, "The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: placing said transparent resource aid in a background of said display area in association with said at least one displayable object, wherein said transparent resource aid is darkened to draw attention to said at least one displayable object" is disclosed supra for claim 1 and furthermore in col. 6, lns. 21-32. However CaHill does not appear to disclose "placing said transparent resource aid in a background of said display area in association

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with said at least one displayable object, wherein said transparent resource aid is darkened to draw attention to said at least one displayable object”, but Bagnas does in col. 3, lns. 49-62.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply “adjusting pixel clock” disclosed by CaHill in combination with “darkened transparent window overlapping an opaque window” disclosed by Bagnas, and motivated to combine the teachings because it would provide for a need for transparent windows and controls in window environments as revealed by Bagnas in col. 1, lines 55-65.

B. Per dependent claims 20 and 27, these are directed to a system and program, respectively, for performing the method of dependent claim 10 and therefore are rejected to dependent claim 10.

Allowable Subject Matter

7. Claims 3-6, 9, 13-16, 19, 22-24 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 2, 7, 10, 11, 12, 17, 20, 21, 25 and 27 have been considered but are moot in view of the new ground(s) of rejection.

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Responses

9. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 308-6606 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

When making claim amendments, the applicant is encouraged to consider the references in their entireties, including those portions that have not been cited by the examiner and their equivalents as they may most broadly and appropriately apply to any particular anticipated claim amendments.

Inquiries

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

J.F. Cunningham

gfc

June 28, 2004


Kee M. Tung
Primary Examiner